

INITIAL STATEMENT OF REASONS

The California Department of Corrections (CDC) proposes amendments to Sections 3043.5, 3043.6, and 3044 of the California Code of Regulations, Title 15, to implement provisions of recent legislation regarding work time credits for inmates.

Assembly Bill (AB) 3000, 2001-2002 Session, added Penal Code (PC) Section 2933.3, which allows inmates eligible to earn one day of worktime credit for every one day of service who are assigned to a conservation camp by the CDC, to instead earn two days of worktime credit for every one day of service. This enhanced worktime credit applies to service performed after January 1, 2003. These regulations will bring the Department into compliance with the provisions of AB 3000.

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected private persons than the action proposed.

Subsection 3043.5(e) is amended to provide for a process to determine an effective date in which inmates, who are injured on-the-job and assigned to Work Group F, shall revert to Work Group A-1 in the event the on-the-job injury excludes the inmate from conservation camp assignment. This is necessary to avoid any confusion and ensure that the two for one credit earning, pursuant to PC Section 2933.3, applies only to those eligible inmates who are able to perform the duties in a conservation camp assignment.

Subsection 3043.6(a)(1) is amended to clarify and include in the definition of a non-adverse transfer, the movement of an inmate from a non-secure camp or minimum support facility to a higher security level due to non-adverse reasons. Non-adverse is any reason that an inmate's placement is effected but was not caused by an action of the inmate. Possible reasons could include, but are not limited to, medical appointments and out to court. This clarification is necessary to avoid penalizing an inmate with the possible classification to an incorrect work group for a non-adverse transfer.

Subsection 3043.6(a)(2) is amended to provide that inmates assigned to Work Group F shall revert to Work Group A-1 in the event a non-adverse transfer results in removal from a conservation camp assignment. Pursuant to PC Section 2933.3, this is necessary to ensure that the two for one credit earning applies to eligible inmates in a conservation camp assignment.

Subsection 3043.6(c)(1) is amended to clarify the definition of an adverse transfer. The definition as provided in Section 3375(f)(1) pertains to classification and defines an adverse effect. This clarification is necessary as an inmate can have an adverse effect but it does not necessarily result in an adverse transfer.

Subsection 3043.6(c)(2) is amended to provide that if an inmate is removed from a program for adverse reasons and is subsequently exonerated of charges, the credit earning status of the inmate shall be reinstated and designated back to the level prior to removal from assignment. This is necessary to avoid penalizing an inmate for an adverse transfer that is subsequently found not to be their fault.

Existing subsection 3043.6(c)(2) is renumbered to 3043.6(c)(3) and amended to include Work Group F inmates in the description of those inmates that will be reclassified to Work Group A-2 as the result of an adverse transfer. Pursuant to PC Section 2933.3, this is necessary to ensure that the correct work group status and the two for one credit earning are applied to those eligible inmates in conservation camp placement.

Existing subsection 3043.6(c)(3) is renumbered to new subsection 3043.6(c)(4).

Subsection 3043.6(f) is amended to clarify and provide that with the exception of inmates assigned to Work Group F, inmates approved for a Community Correctional Center (CCC) program shall retain their current work group status while en route to a CCC program. This clarification clears up the confusion that the inmate shall retain, not regain their current work group status. Also provided is that inmates assigned to Work Group F shall revert to Work Group A-1 effective the date removed from camp assignment. This is necessary to ensure that the two for one credit earning is only applied to those eligible inmates in a conservation camp assignment.

Subsection 3044(b)(1) is amended to bring the Department into compliance with PC Section 2933.3, and provide for the establishment of new Work Group F as the inmate work group for a full time conservation camp assignment. This will allow those inmates that are eligible to earn PC Section 2933 worktime credits to now be awarded two days credit for each day of qualifying performance.

Existing subsections 3044(b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) are renumbered to 3044(b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), and (b)(8) respectively and are unchanged.

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